

Department of Agriculture and Forestry

Unscheduled Absenteeism Policy

Effective Date: February 25, 2013

Authorization: Commissioner Mike Strain, DVM

Deputy Commissioner Brent D. Robbins, DVM



I. POLICY

It is the philosophy of the Louisiana Department of Agriculture & Forestry to encourage responsible leave usage in order to maximize public service, reduce the negative impact of absenteeism on productivity, and improve employee morale. This policy shall be administered uniformly and as equitably as possible without regard to race, color, gender, pregnancy, age, disability, religion, national origin, military service, veteran's status, political affiliation, sickle cell trait, protected genetic information, job classification, job status or other non-merit factor.

II. PURPOSE

The purpose of this policy is to implement Civil Service Rule 12.6, entitled Non-disciplinary Removals, which provides under Section (a)2 for the non-disciplinary removal of an employee from state service:

12.6 Non-disciplinary Removals

(a) Absence from work

An employee may be non-disciplinarily removed under the following circumstances:

1.

2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

III. APPLICABILITY

This policy applies to all employees of the Louisiana Department of Agriculture & Forestry

serving with permanent status who have been placed on notice, in writing, via counseling letter or supervisory plan, that his/her absenteeism has become problematic. In such event, the employee will be provided a copy of Civil Service Rule 12.6(a)2 and advised that his/her attendance requires improvement.

IV. DEFINITION

An unscheduled absence is defined as:

- A. An employee's failure to report for duty at the designated time at the beginning of the workday, regardless of duration; or
- B. An employee's leaving work before the end of the scheduled workday, regardless of duration; or
- C. An employee's failure to timely return to duty at the end of a designated break or meal period, regardless of duration;

without having secured permission, in advance, from an authorized supervisor. Advance permission is defined as authorization to be off from work, late for work, extend a break period or leave work early by close of business the day prior to leave usage. Approval of leave after-the-fact to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.

V. EXCEPTIONS

- A. Leave that is approved for use under the provisions of the Family and Medical Leave Act (FMLA) and leave granted for the purpose of an accommodation under the American with Disabilities Act (ADA) will not count as an unscheduled absence. However, employees are expected to comply with agency policy and practice regarding notice to supervisory personnel when such absences will be necessary.
- B. The appointing authority, in consultation with Human Resources, retains the right to excuse, for a rational, business-related reason an absence which otherwise would be deemed to be unscheduled under this policy.

VI. PROCEDURE

The non-disciplinary removal authorized by this policy applies only to an employee who has been given notice that his attendance requires improvement and a copy of this rule. Such notice will be in writing via counseling letter or supervisory plan.

The employee will receive notice, in writing, within five workdays of each unscheduled absence declaring the absence to be an occurrence under this policy. This notice will likewise include the number of occurrences thus far accumulated within the consecutive twenty-six (26) week period. Further, this notice will inform the employee of the manner in

which the absence was coded (annual, sick, compensatory or leave without pay). Upon accrual of a sixth occurrence, the employee will also be given a formal letter of counseling advising him/her of the sixth occurrence and the possibility of removal upon accrual of a seventh occurrence.

As required by Civil Service Rule 12.7, no permanent employee will be removed under this policy until he/she has been given oral or written notice of the proposed action and the reason therefore, a description of the evidence supporting the proposed action, and a reasonable opportunity to respond.

VII. CLARIFICATIONS

- A. The appointing authority has the right to place an employee on leave without pay for the duration of any unscheduled absence.
- B. The appointing authority has the right to discipline an employee for any unscheduled absence irrespective of the applicability of Civil Service Rule 12.6(a)2.
- C. The appointing authority has the right to discipline an employee for failing to adhere to agency leave policy or practice.
- D. The appointing authority has the right to require a doctor=s certificate or other acceptable documentation to verify an employee=s need to be off from duty and/or leave usage.
- E. This policy does not preclude the appointing authority from terminating a probationary, job or restricted appointment at any time.
- F. When a permanent employee is removed under this Rule, the adverse consequences of Rule 6.5(c), 7.5(a)7, 8.9(d), 8.18(d) and (e), 11.18(b) and 17.25(e)4 shall not apply.

VIII. QUESTIONS

Questions regarding the interpretation and enforcement of this policy should be addressed to Human Resources.

Department of Agriculture and Forestry
Unscheduled Absenteeism Notice

TO: EMPLOYEE

FROM: SUPERVISOR

DATE: DATE

RE: NOTICE OF OCCURRENCE

On **DATE**, your absence was coded as an occurrence under this Agency's Unscheduled Absenteeism Policy. This absence has been coded as:

Annual Leave: _____

Compensatory Leave: _____

Sick Leave: _____

Leave Without Pay: _____

This is your _____ occurrence as of this date within the applicable twenty-six week period.

Be reminded that this policy, authorized by Civil Service Rule 12.6(a)2, provides for the non-disciplinary removal of an employee who has seven or more unscheduled absences during any consecutive twenty-six week period.